



General Assembly

January Session, 2001

***Raised Bill No. 6614***

LCO No. 3196

Referred to Committee on General Law

Introduced by:  
(GL )

***AN ACT PROTECTING CHILDREN FROM RECALLED TOYS AND  
OTHER DANGEROUS PRODUCTS IN THE RESALE MARKET.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 21a-335 of the general statutes is  
2 repealed and the following is substituted in lieu thereof:

3 (d) "Commerce" means any and all commerce within the state of  
4 Connecticut pertaining to goods sold or resold or offered for sale or  
5 resale and subject to the jurisdiction thereof, [;] and includes the  
6 operation of any business or service establishment, but does not  
7 include the occasional sale of personal items from or in proximity to a  
8 person's home at a tag sale, garage sale or similar sale.

9 Sec. 2. Subsection (e) of section 21a-335 of the general statutes is  
10 repealed and the following is substituted in lieu thereof:

11 (e) "Hazardous substance" means: (1) (A) Any substance or mixture  
12 of substances [which] that (i) is toxic, (ii) is corrosive, (iii) is an irritant,  
13 (iv) is a strong sensitizer, (v) is flammable or combustible, or (vi)  
14 generates pressure through decomposition, heat or other means, if

15 such substance or mixture of substances may cause substantial  
16 personal injury or substantial illness during or as a proximate result of  
17 any customary or reasonably foreseeable handling or use, including  
18 reasonably foreseeable ingestion by children; (B) any substances  
19 [which] that the administrator by regulation finds meet the  
20 requirements of subdivision (1) (A) of this subsection pursuant to the  
21 provisions of subsections (b) and (c) of section 21a-336; (C) any  
22 substance classified as a hazardous substance when it was introduced  
23 into commerce pursuant to federal regulations adopted under the  
24 authority of the federal Hazardous Substances Act (15 USC 1261 et  
25 seq.); (D) any radioactive substance, if, with respect to such substance  
26 as used in a particular class of article or as packaged, the administrator  
27 determines by regulation that the substance is sufficiently hazardous  
28 to require labeling in accordance with this section and sections 21a-336  
29 to 21a-346, inclusive, in order to protect the public health; (E) any toy  
30 or other article intended for use by children [which] that the  
31 administrator by regulation determines in accordance with subsection  
32 (a) or (b) of section 21a-336 presents an electrical, mechanical or  
33 thermal hazard; (2) "hazardous substance" shall not apply to economic  
34 poisons subject to the federal Insecticide, Fungicide and Rodenticide  
35 Act or chapter 441 nor to foods, drugs and cosmetics subject to chapter  
36 418, nor to substances intended for use as fuels when stored in  
37 containers and used in the heating, cooking or refrigeration system of a  
38 house, but such term shall apply to any article [which] that is not itself  
39 an economic poison within the meaning of the federal Insecticide,  
40 Fungicide and Rodenticide Act or said chapter 441 but [which] that is a  
41 hazardous substance within the meaning of subdivision (1) of this  
42 subsection by reason of bearing or containing such an economic  
43 poison; (3) "hazardous substance" shall not include any source  
44 material, special nuclear material or by-product material as defined in  
45 the Atomic Energy Act of 1954, as amended, and regulations issued  
46 pursuant thereto by the Atomic Energy Commission.

47 Sec. 3. Subsection (p) of section 21a-335 of the general statutes is  
48 repealed and the following is substituted in lieu thereof:

49 (p) "Banned hazardous substance" means (A) any toy, or other  
50 article intended for use by children, [which] that is a hazardous  
51 substance, or [which] that bears or contains a hazardous substance in  
52 such manner as to be susceptible of access by a child to whom such toy  
53 or other article is entrusted, and that was introduced into commerce  
54 after promulgation of an applicable safety standard under authority of  
55 the federal Hazardous Substances Act (15 USC 1261 et seq.) or the  
56 federal Consumer Product Safety Act (15 USC 2051 et seq.); (B) any  
57 hazardous substance intended, or packaged in a form suitable, for use  
58 in a household, classified, pursuant to section 21a-336 or pursuant to  
59 federal regulations adopted under authority of the federal Hazardous  
60 Substances Act (15 USC 1261 et seq.), as a "banned hazardous  
61 substance" that, notwithstanding such cautionary labeling as is or may  
62 be required under this section and sections 21a-336 to 21a-346,  
63 inclusive, for that substance, the degree or nature of the hazard  
64 involved in the presence or use of such substance in households is  
65 such that the objective of the protection of the public health and safety  
66 can be adequately served only by keeping such substance, when so  
67 intended or packaged, out of the channels of commerce; provided the  
68 administrator, by regulations adopted in accordance with chapter 54,  
69 shall exempt from subparagraph (A) of this subdivision articles, such  
70 as chemical sets, [which] that by reason of their functional purpose  
71 require the inclusion of the hazardous substance involved or  
72 necessarily present in electrical, mechanical or thermal hazard and  
73 [which] that bear labeling giving adequate directions and warnings for  
74 safe use and are intended for use by children who have attained  
75 sufficient maturity, and may reasonably be expected, to read and heed  
76 such directions and warnings; (C) any new wood-burning stove, coal-  
77 burning stove, solid fuel add-on units or combination of such stoves  
78 and units, [which] that is offered for sale or installed in any building,  
79 dwelling or structure in this state on or after July 1, 1985, and [which]  
80 that has not been tested in accordance with Underwriter's Laboratory  
81 Standard Number 1482; (D) any new unvented fuel-burning room  
82 heater offered for sale or use in any building, dwelling or structure in

83 this state on or after July 1, 1985, [which] that has not been tested in  
84 accordance with Underwriter's Laboratory Standard Number 647 for  
85 unvented kerosene heaters and American National Standards Institute  
86 Standard Number Z21.11.2 for unvented gas heaters.

87 Sec. 4. Section 21a-337 of the general statutes is repealed and the  
88 following is substituted in lieu thereof:

89 The following acts and the causing thereof are prohibited: (1) The  
90 [introduction or delivery for introduction] delivery into commerce of  
91 any misbranded hazardous substance or banned hazardous substance;  
92 (2) the alteration, mutilation, destruction, obliteration or removal of the  
93 whole or any part of the label of, or the doing of any other act with  
94 respect to, a hazardous substance if such act is done while the  
95 substance is in commerce, or while the substance is held for sale,  
96 whether or not the first sale, after shipment in commerce, and results  
97 in the hazardous substance being a misbranded hazardous substance  
98 or a banned hazardous substance; (3) the receipt in commerce of any  
99 misbranded hazardous substance or banned hazardous substance and  
100 the delivery or proffered delivery thereof for pay or otherwise; (4) the  
101 giving of a guarantee or undertaking referred to in subdivision (2) of  
102 subsection (b) of section 21a-338 which guarantee or undertaking is  
103 false, except by a person who relied upon a guarantee or undertaking  
104 to the same effect signed by, and containing the name and address of,  
105 the person residing in the United States from whom [he] such person  
106 received in good faith the hazardous substance; (5) the failure to  
107 permit entry or inspection as authorized by subsection (a) of section  
108 21a-343 or to permit access to and copying of any record as authorized  
109 by section 21a-344; (6) the [introduction or delivery for introduction]  
110 delivery into commerce, or the receipt in commerce and subsequent  
111 delivery or proffered delivery for pay or otherwise, of a hazardous  
112 substance in a reused food, drug or cosmetic container or in a  
113 container [which] that, though not a reused container, is identifiable as  
114 a food, drug or cosmetic container by its labeling or by other  
115 identification. The reuse of a food, drug or cosmetic container as a

116 container for a hazardous substance shall be deemed to be an act  
117 [which] that results in the hazardous substance being a misbranded  
118 hazardous substance. As used in this subdivision, the terms "food",  
119 "drug" and "cosmetic" shall have the same meanings as in the  
120 Connecticut Food, Drug and Cosmetic Act; (7) the use by any person to  
121 [his] such person's own advantage, or revealing other than to the  
122 administrator or officers or employees of the agency, or to the courts  
123 when relevant in any judicial proceeding under sections 21a-335 to  
124 21a-346, inclusive, of any information acquired under authority of  
125 section 21a-343 concerning any method of process which as a trade  
126 secret is entitled to protection; (8) the introduction or delivery for  
127 introduction into commerce of any item containing asbestos [which]  
128 that reasonably may be expected to be used in the construction or  
129 repair of structures, without clearly indicating by labeling thereon that  
130 the item contains asbestos and that asbestos may cause cancer when  
131 inhaled; (9) the alteration or removal of any item upon which the  
132 commissioner or [his] the commissioner's authorized agent has placed  
133 an embargo prior to the time the commissioner, such agent or a court  
134 permits the alteration or removal of such item; (10) the introduction or  
135 delivery for introduction into commerce, after December 31, 1992, of  
136 any toy or other article for sale in this state and marketed for the use of  
137 children between the ages of three and seven, or determined to be for  
138 the use of children between the ages of three and seven by the federal  
139 Consumer Product Safety Commission pursuant to 16 CFR Part 1500 et  
140 seq., as published in the Code of Federal Regulations Revised to  
141 January 1, 1991, and as from time to time amended, or the  
142 Commissioner of Consumer Protection pursuant to sections 21a-335 to  
143 21a-346, inclusive, [which] that would be classified as a banned  
144 hazardous substance under 16 CFR Part 1501.4(b)(1) of said code and  
145 does not bear a conspicuous warning label that clearly and specifically  
146 communicates that the contents include small parts [which] that pose a  
147 hazard for children under the age of three, except that any toy or other  
148 article that contains, as of December 31, 1992, a safety warning label in  
149 substantial compliance with the requirements of this subdivision shall

150 be determined by the commissioner to be in compliance with this  
151 subdivision until October 1, 1993. As used in this subdivision,  
152 "conspicuous" has the same meaning and characteristics regarding  
153 type size as in 16 CFR Part 1500.121(c)(2) of said code; and (11) the  
154 introduction or delivery for introduction into commerce, or the  
155 distribution or sale, of a drying oil or drying oil product, manufactured  
156 after December 31, 1994, [which] that does not bear a conspicuous  
157 warning label on a side or back panel of such product stating:  
158 "DANGER - RAGS, STEEL WOOL OR WASTE SOAKED WITH ....  
159 (INSERT PRODUCT NAME) MAY SPONTANEOUSLY CATCH FIRE  
160 IF IMPROPERLY DISCARDED. IMMEDIATELY AFTER USE, PLACE  
161 RAGS, STEEL WOOL OR WASTE IN A SEALED WATER-FILLED  
162 METAL CONTAINER." As used in this subdivision, "conspicuous" has  
163 the same meaning and characteristics regarding type size as in 16 CFR  
164 Part 1500.121 (c)(2) of said code.

***GL***            *Joint Favorable*

***JUD***          *Joint Favorable*